

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**Docket No.: 2005-13-W/S**

IN THE MATTER OF:	)	
	)	
Application of Wyboo Plantation	)	<b>THE VILLAS AT WYBOO PROPERTY</b>
Utilities, Inc. for Adjustment of Rates	)	<b>OWNERS ASSOCIATION’S</b>
and Charges for the Provision of Water	)	<b>OPPOSITION TO JOHN C. BRUFFEY,</b>
and Sewer Services	)	<b>JR. AND DEER CREEK PLANTATION</b>
	)	<b>PROPERTIES INCORPORATED’S</b>
	)	<b>PETITION TO INTERVENE OUT OF</b>
		<b>TIME</b>

The Villas at Wyboo Property Owners Association (hereinafter “Villas”) hereby oppose the Petition to Intervene Out of Time filed by John C. Bruffey, Jr. and Deer Creek Plantation Properties Incorporated (hereinafter “Bruffey”).

1. On January 7, 2005, Wyboo Plantation Utilities, Inc. filed an Application with the Public Service Commission of South Carolina (hereinafter “Commission”) seeking a new schedule of rates and charges for water and sewer service for its customers in Clarendon County, South Carolina.

2. The Commission has assigned Docket No. 2005-13-W/S to this matter.

3. Subsequent to its initial filing, Wyboo Plantation Utilities, Inc. withdrew its application. Wyboo Plantation Utilities, Inc. then filed the current application on August 17, 2006.

4. Pursuant to its normal and customary practice, the Commission established a calendar with specific deadlines, including September 29, 2006 as the deadline for parties to intervene in this proceeding.

5. On September 29, 2006, the Villas at Wyboo Owners Association, Inc. properly intervened in this matter.

6. The Commission initially scheduled a hearing on Wyboo's Application for December 13 and December 14, if necessary.

7. The Commission rescheduled the hearing to commence on Monday, January 22 and January 23, 2007.

8. On January 12, 2007 Bruffey filed its Petition to Intervene Out of Time.

**BRUFFEY'S PETITION TO INTERVENE MUST BE  
DENIED SINCE IT IS FILED OUT OF TIME  
AND BECAUSE OF THE NEARNESS OF THE HEARING DATE.**

9. The Commission establishes deadlines to intervene such that all entities have an opportunity to participate in a specific Commission docket. Accordingly, a party that intervenes has the right to fully participate by presenting testimony and evidence and cross-examining other parties.

10. Bruffey seeks to intervene some 104 days after the Commission's deadline of September 29, 2006. Not only does Bruffey seek to intervene over 3 months after the deadline, but also Bruffey seeks to intervene less than one week prior to the hearing.

11. All parties will be prejudiced if the Commission allows Bruffey to intervene. All parties have been preparing for a hearing with the expectation that the relevant parties are Wyboo Plantation Utilities, Incorporated; the Office of Regulatory Staff; the Wyboo Plantation Owners Association, Incorporated; and the Villas. Allowing Bruffey to participate as a party does not afford the parties the ample opportunity to prepare.

WHEREFORE, for the foregoing reasons, The Villas at Wyboo Owners Association, Inc. respectfully submits its intervention in the above captioned proceeding and requests that it be permitted to participate therein with full rights as a party.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: s/Robert E. Tyson, Jr.  
Robert E. Tyson, Jr.  
1310 Gadsden Street  
Post Office Box 11449  
Columbia, South Carolina 29211  
(803) 929-1400

Attorneys for The Villas at Wyboo Owners Association,  
Inc.

Columbia, South Carolina  
January 17, 2007